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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,036	02/14/2001	Terence Martin Hinds	Q51544	8219

7590 07/17/2002

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EXAMINER
GALLAGHER, JOHN J

ART UNIT	PAPER NUMBER
1733	8

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-8

Office Action Summary	Application No. 09/782,036	Applicant(s)	
	Examiner	Group Art Unit	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☑ Responsive to communication(s) filed on 09 APRIL 2002.

☑ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) 1-5 and 7-31 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☑ Claim(s) 1-5 and 7-31 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)–(d)

☑ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)–(d).

☑ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☑ Certified copies of the priority documents have been received in Application No. 09/741,326.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Attachment(s)

☑ Information Disclosure Statement(s), PTO–1449, Paper No(s). 7

☐ Interview Summary, PTO–413

☐ Notice of Reference(s) Cited, PTO–892

☐ Notice of Informal Patent Application, PTO–152

☑ Notice of Draftsperson's Patent Drawing Review, PTO–948

☐ Other _____

Office Action Summary

1. Paragraph 1(b)(2) of the last Office action is hereby reiterated (as it now applies to the amendment/substitution presented on page 1 of the amendment).

2. With respect to paragraph 3(g) of the last Office action, claim 18 was intended and NOT claim 1 (sloppy proofreading on Examiner's part - mea culpa); this intended change was indeed effected by applicants on page 11 of the amendment.

3. Claims 1-5 and 7-31 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, it is noted that the term "agglomerate" (and its derivatives) is NOW employed in the claims instead of the term "gel" (and its derivatives), which latter term was employed in the claims as originally presented (and is STILL employed in the specification). These two terms are held NOT to be synonymous. This could be considered to be a new matter rejection; further along this line, however, N.B. paragraph 25 of Corometrics v. Berkeley 193 USPQ 467.

4. Claims 3-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants

regard as the invention. Specifically, these claims should apparently NOW depend from claim 25 and NOT remain dependent from claim 2.

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-5, 7-8, 15-16, 21-22, 24 and 26-31 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over Weaver et al. in view of Soda et al.

7. Claims 25, 3-5 and 23 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over Weaver et al. in view of Soda et al. and Eyman et al.

8. The two foregoing art rejections are adhered to essentially for the reasons of record (see paragraphs 5-6 of the last Office action), with the following being additionally advanced with respect to applicants' arguments and contentions made in the amendment: (a) The calendering operation of Weaver et al. is held to correspond to applicants' low pressure application step or stage in that this aforementioned operation

is fairly and clearly indicated (N.B. column 3 lines 41-45, column 4 lines 16-17 and 44-46) as exerting or employing ONLY SUFFICIENT PRESSURE to effect uniform knitting (i.e. agglomeration) of the thermoplastic resin particles into a sheet and to impart a desired finish thereto; (b) the planishing operation provided for by Weaver et al. (and performed subsequent to the calendering operation) is held to correspond to applicants' smoothing step i.e. this operation is (1) effected using two (steel) pressure rolls (i.e. a NIP roller couple); and (2) conducted at a higher pressure than the calendering operation which precedes it to produce a glossier (i.e. more compacted) surface (N.B. column 4 lines 60-64 and 72-75); (c) the dual belt press of Soda et al. is clearly and fairly stipulated (N.B. column 2 lines 23-25 and 34-39) as imparting or effecting a (high quality) finish to the plastic sheet material processed (the SAME function and result as that performed by the calendering operation of Weaver et al.), such that the ONLY indicated substitution is this (beneficial uniform pressure applying) dual belt press for the corresponding, analogous (again, with respect to both function and result) low pressure calendering roller couple of Weaver et al.; and (d) regarding article-by-process claim 24, N.B. MPEP § 706.03(e).

9. Claims 9-14 and 17-20 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over Weaver et al. in view

of Soda et al., Schermutzki and Brinkmann et al. (these last two references also being already of record - see paragraph 8 of the last Office action). Note that Schermutzki further discloses that it is known to incorporate an additional fibrous i.e. mat layer into his laminate (N.B. Fig. 3, column 4 lines 26-31), such that it would have been obvious to one of ordinary skill in this art to employ such a conventional, documented additive technique in/in conjunction with the process of Weaver et al. (as further modified by the remaining secondary references), mere use of a known such technique being involved. Further, even without the Schermutzki reference, the incorporation of additional fibers and resin layers into the disclosed process of Weaver et al. wherever deemed desirable and/or necessary is held to readily suggest itself (i.e. to be obvious) to those of ordinary skill in this art, involving a mere repetition of already disclosed process steps to produce a laminate of greater (where desired) e.g. thickness, strength etc.

10. Applicant's arguments with respect to claims 1-5 and 7-31, filed 09 April 2002, have been considered but are deemed to be moot in view of the new grounds of rejection. See paragraphs 6-9, above.

11. Applicants' amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicants are reminded of the extension of time

policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be

reached on (703) 308-2058. The fax phone number for this Group is (703) ~~305-3599.~~ 872-9311

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.

JJGallagher:cdc

July 5, 2002

JOHN J. GALLAGHER
PRIMARY EXAMINER
ART UNIT ~~131~~ 1733